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In re Application of : Simon et al.
Serial No. : 10/582,736
Filed : June 13, 2006
For : BLISTER PACKAGE ARRANGEMENT
Group Art No. : 3728
Examiner : Jenine Marie Pagan

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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APPEAL BRIEF PURSUANT TO 37 C.F.R §41.37

Dear Sir:

This Appeal Brief is being filed in furtherance of the Notice of Appeal filed on August 16, 2010.

1. **REAL PARTY IN INTEREST**

The real party in interest is Udo Simon and Ernst Radtke, co-inventors of the subject claims. Mr. Simon and Mr. Radtke will be directly affected by the Board's decision in the pending Appeal.

2. **RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any other appeals or interferences related to this Appeal.

3. **STATUS OF CLAIMS**

Claims 1-21 are currently pending in the present application. Claims 1-21 are currently under final rejection and, thus, are the subject of this appeal.

4. **STATUS OF AMENDMENTS**

All previous amendments have been entered. Appellant has submitted no additional amendments subsequent to the Final Office Action of June 10, 2010.

5. **SUMMARY OF CLAIMED SUBJECT MATTER**

The following is a summary of the claimed subject matter of independent claims 1 and 21, as disclosed in the specification and with supporting citations to reference numerals and paragraph numbers in accordance with 37 C.F.R. §41.37(c)(1)(v).

Claim 1 calls for a blister package arrangement that includes a blister package (1) with a conductor carrier (10) connected thereto. *Application*, ¶[0024] and FIGS. 2 and 3. Openings (4) are formed in the conductor carrier (10) and are directed toward pockets (3) of the blister package (1). *Id.* at ¶[0025] and FIGS. 2 and 3. When removing a tablet from a pocket (3), a sealing film (13) of the blister package (1) sealing the pocket (3) is separated and the tablet is removable through an opening (4) assigned to it. *Id.* The openings (4) in the conductor carrier (10) are formed by stamped lines (41) positioned within the conductor carrier (10) that surround each of the pockets (3) in a ring shape. *Id.* at ¶[0026] and FIGS. 2 and 3. The stamped lines (41) are interrupted by at least two bridge parts (42, 43) by means of which a covering, separated by the stamped line (41) out of the conductor carrier (10) and covering the pocket (3), is connected with the conductor carrier (10). *Id.* at ¶[0029] and

FIGS. 2 and 3. The bridge parts (42, 43) are so distributed about the periphery of the stamped line (41) that, when a tablet is pressed out from a pocket (3), at least one bridge part (42, 43) is broken. *Id.* at ¶[0030]. The conductor carrier (10) includes individual conductors (52), each of which extend from an individual connecting pad (51) and over at least the one bridge part (42, 43) that is severed upon tablet removal. *Id.* at ¶¶[0024], [0031] and FIG. 5.

Claim 21 calls for a blister package arrangement that includes a blister package (1) having a plurality of pockets (3) each configured to receive a tablet therein and a conductor carrier (10) connected to the blister package (1). *Application*, ¶[0024] and FIGS. 2 and 3. The conductor carrier (10) further includes a cover area (30) positioned adjacent to each pocket (3) in the blister package (1) that is defined by a stamped line opening (41) formed thereabout in the conductor carrier (10) and at least two bridge parts (42, 43) interrupting each stamped line opening (41) to connect each cover area (30) to a surrounding conductor carrier area (10), with the at least two bridge (42, 43) parts positioned such that at least one bridge part (42, 43) is broken when a tablet is pressed out from the corresponding pocket (3). *Id.* at ¶¶[0026], [0029]-[0030] and FIGS. 2 and 3. The conductor carrier (10) also includes an interface (5) to provide an electrical connection between the conductor carrier (10) and an attachable electronic unit configured to detect removal of a tablet from a pocket (3) of the blister package (1), with the interface (5) having a plurality of individual connections pads (51) and a common connection pad (54). *Id.* at ¶[0024] and FIG. 5. A common conductor (53) extends out from the common connection pad (54) and an individual conductor (52) extends out from each of the plurality of individual connection pads (51), over the at least one bridge part (42, 43) of a respective cover area (30), and connects to the common conductor (53), with the individual conductor (52) configured to break along with the at least one bridge part (42, 43) that is broken when a tablet is pressed out from the corresponding pocket (3). *Id.* at ¶¶[0024], [0031] and FIG. 5.

6. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Whether claims 1-21 are unpatentable under 35 U.S.C. §102(b) as being anticipated by Ehrensvar et al. (USP 6,244,462).

7. **ARGUMENTS**

Rejection under 35 U.S.C. §102(b) over Ehrensvar et al.

Claim 1

The Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Ehrensvar et al. In rejecting the claim, the Examiner stated, in part, that Ehrensvar discloses a blister package that includes “stamped lines 16 positioned within [a] conductor carrier (58/60/62)... and wherein the conductor carrier includes individual conductors (58/60/62) each of which extends from an individual connecting pad 56...” *Final Office Action*, June 10, 2010, p. 2-3. Appellant respectfully disagrees with the rejection. Specifically, Appellant believes that the Examiner has mischaracterized that which is disclosed in Ehrensvar in order to teach what is called for in claim 1.

Claim 1 calls for, in part, a blister package arrangement that includes a blister package and a conductor carrier connected to it. Openings are provided in the conductor carrier and are formed by stamped lines positioned within the conductor carrier so as to surround pockets of the blister package in a ring shape, with the stamped lines being interrupted by at least two bridge parts by means of which a covering, separated by the stamped line out of the conductor carrier and covering the pocket, is connected with the conductor carrier. The conductor carrier also includes individual conductors that each extend from individual connecting pads of the conductor carrier over at least one bridge part such that an individual conductor is severed upon removal of a tablet from a pocket of the blister package. The blister package arrangement called for in claim 1 is illustrated in FIG. 5 of the present application, for example, where the conductor carrier 10 is shown having individual conductors 52 extending from individual connecting pads 51 of conductor carrier 10. *Application*, FIG. 5. The individual conductors 52 extend from the individual connecting pads 51 and across coverings 3 of the conductor carrier 10 by way of extending over bridge parts 42, 43, such that a bridge part 42, 43 and a corresponding individual conductor 52 are severed upon removal of a tablet from a pocket of the blister package. *Application*, ¶¶[0024]-[0030]; FIG. 5.

Ehrensvar fails to teach a blister package arrangement as called for in claim 1 that includes individual conductors that each extend from individual connecting pads of the conductor carrier over at least one bridge part and that are severed upon removal of a tablet from a pocket of the blister package. Instead, Ehrensvar discloses a medication dispensing

device that includes an envelope 10 having a plurality of sheets a-m that are joined together by way of folding lines 12, 18, 20. *Ehrensvar*d, Col. 2, lns. 22-46. Dispense areas 42 of blister packages 40 in sheets a-d are aligned with perforated, breakable gates 16 formed in sheets e-h by folding sheets a-d over sheets e-h along folding line 12. *Id.* As shown in FIGS. 1 and 4 of *Ehrensvar*d, an electronic unit 50 is included in envelope 10 that is able to sense when tablets are removed from blister packages 40 through a dispense area 42 by sensing when the tablet breaks through breakable gates 16. *Ehrensvar*d, Col. 3, lns. 15-41. For sensing a tablet removal, a printed circuit (that includes printed circuit portions 54, 56, 58, 60, 62) is provided in the form of a closed loop that extends from the electronic unit 50 to each of the gates 16 of envelopes 10 and back to the electronic unit 50. *Id.*

*Ehrensvar*d further discloses that breakable gates 16 are connected with a remaining portion of the sheetlike envelopes 10 by means of two opposite non-perforated kerfs or land areas 17, 19. *Ehrensvar*d, Col. 3, lns. 58-66; FIG. 5. Extending over these kerfs 17, 19 are portions 58, 60, 62 of the printed circuit. When a tablet 44 is to be dispensed from the blister package 40, a pressure is applied on the gate 16 so that at least one kerf 17, 19 bursts and thus the conductivity between the conductive portions 58, 60, 62 is interrupted and the tablet can emerge through the opening provided by the opened or fully eliminated gate 16. *Ehrensvar*d, Col. 4, lns. 2-13; FIG. 5. The electric interruption is registered by the electronic unit 50 storing the place and time of the tablet dispense, basing on the information, which of the electric circuits closed loops has been interrupted. *Id.*

*Ehrensvar*d, however, does not teach the use of individual conductors that each extend from “individual connecting pads of a conductor carrier” as called for in claim 1. That is, *Ehrensvar*d does not teach individual conductors 52 as set forth in the present Specification that extend from individual connecting pads 51 of the conductor carrier 10. *See Application*, FIG. 5. Instead, as set forth above, *Ehrensvar*d discloses a printed circuit that includes a plurality of separate closed loops, each of which corresponds to a breakable gate 16 on one of sheets e-h (i.e., conductor carriers) of envelope 10. Each closed loop circuit includes printed circuit portions 54, 56, 58, 60, 62 that form the closed loop, with the circuit starting at the electronic unit 50, extending out over a breakable gate 16, and looping back to the electronic unit 50. *Ehrensvar*d, Col. 3, lns. 15-21. Thus, there are no “individual connecting pads” located on a conductor carrier (i.e., on sheets e-h) in the medication dispensing device of *Ehrensvar*d, but instead each closed loop circuit that includes printed

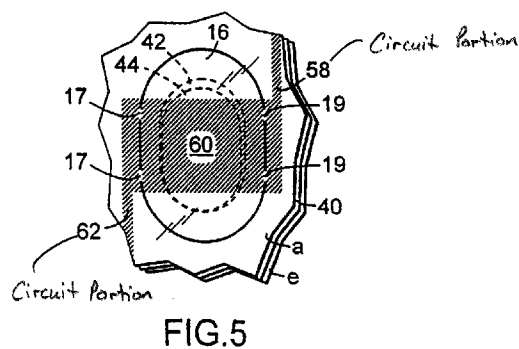
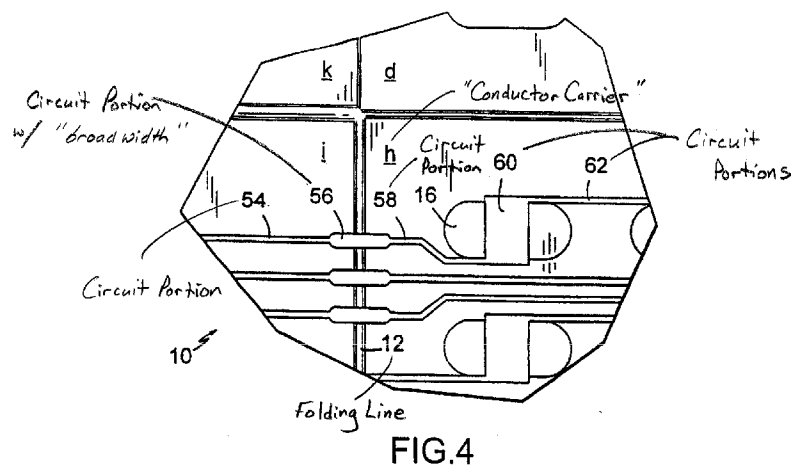
circuit portions 54, 56, 58, 60, 62 starts at electronic unit 50, extends out across at least two sheets e-h and folds 18, 20, and loops back to terminate at electronic unit 50. *Id.* There is simply no teaching in Ehrensvard of individual connecting pads formed on the conductor carrier of sheets e-h, out from which extend the individual conductors.

In rejecting claim 1, the Examiner's characterization of elements disclosed in Ehrensvard, and the tying of those elements to corresponding elements called for in claim 1, wholly distorts the teachings of Ehrensvard. For example, the Examiner characterized the printed circuit portions 58, 60, 62 of a closed loop circuit in Ehrensvard as forming "conductor carrier 58/60/62" as well as forming "individual conductors 58/60/62." *See Final Office Action*, supra at 5-6. Initially, Appellant would point out that the Examiner's characterization of the printed circuit portions 58, 60, 62 as forming two separate elements of claim 1 (i.e., as forming both the "conductor carrier 58/60/62" as well as the "individual conductors 58/60/62") illustrates, on its face, that the Examiner has mischaracterized the teachings of Ehrensvard. Regardless of this, the Examiner's characterization of printed circuit portions 58, 60, 62 as forming "conductor carrier 58/60/62" as well as forming "individual conductors 58/60/62" distorts the teachings of Ehrensvard, as Ehrensvard sets forth that "[t]he printed circuit stretches via connected printed circuit portions 54, 56, 58, 60, 62 in form of here not shown closed loops from the conducting connection with the electronic unit 50 to each of the sheetlike envelopes 10 gates 16 and back to the conduction connection with the electronic unit 50." *Ehrensvard*, Col. 3, lns. 15-21. The printed circuit portions 54, 58, 60, 62 thus do not form any part of a "conductor carrier" as asserted by the Examiner, but instead only form a circuit that is laid out on/across sheets a-m.

In rejecting claim 1, the Examiner also characterized the printed circuit portion 56 as forming "individual connecting pad 56." However, the "individual connecting pad 56" identified by the Examiner is, in fact, merely a portion 56 of the circuit "stretching over the folds 12 [that] might, however, in accordance with FIG. 4, be printed with a broader width to almost exclusively avoid any risque [sic] for an unintended wire break." *Ehrensvard*, Col. 3, lns. 29-32. Thus, portion 56 in Ehrensvard is clearly not taught as forming an "individual connecting pad," as asserted by the Examiner, but is merely a thickened portion of the circuit.

Even a cursory studying of the cited reference shows that the Examiner's characterization of elements disclosed in Ehrensvard, and the tying of those elements to corresponding elements called for in claim 1, wholly distorts the teachings of Ehrensvard.

Such a conclusion is supported by Appellant's reproduced copies of FIGS. 4 and 5 of Ehrensverd inserted below, which labels elements in Ehrensverd to show that the Examiner's characterization of the printed circuit portions 58, 60, 62 of a closed loop circuit in Ehrensverd as forming "conductor carrier 58/60/62" as well as forming "individual conductors 58/60/62" is clearly erroneous, as is the Examiner's characterization of the printed circuit portion 56 as forming an "individual connecting pad 56."



As shown in Appellant’s reproduced FIGS. 4 and 5, elements 54, 56, 58, 60, 62 form portions of a printed circuit (i.e., an individual conductor) and do not form any part of a “conductor carrier” or “individual connecting pad” as asserted by the Examiner.

As set forth in the Final Office Action of June 10, 2010, the Examiner's response to Appellant's detailed arguments set forth above regarding the failure of Ehrensvarð to anticipate what is called for in claim 1 was merely to assert that "[t]hroughout the reference of Ehrensvarð, it is disclosed that the series of parts are used to register and recognize when a tablet is removed from the blister, such as noted in Col 3:58-4:13." *Final Office Action*, supra at 8. While Appellant does not necessarily disagree that the goal/end use of the device in Ehrensvarð is similar to that of the present invention (i.e., each is directed to being able to detect when a tablet is removed from a blister package), such a common goal/end use is not a proper basis for rejecting claim 1 under 35 U.S.C. §102(b). That is, according to the MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).) For the reasons set forth in detail above, Ehrensvarð does not "expressly or inherently describe" each and every element called for in claim 1. As such, Ehrensvarð thus does not anticipate claim 1 under 35 U.S.C. §102(b), regardless of whether the device in Ehrensvarð has a similar intended use as that of the present invention.

In light of at least the above, Appellant believes that claim 1, and the claims dependent therefrom, are patentably distinct from Ehrensvarð. Appellant therefore respectfully requests withdrawal of the rejection.

Claim 2

The Examiner rejected claim 2 under 35 U.S.C. §102(b) as being anticipated by Ehrensvarð et al., stating that Ehrensvarð discloses that "each individual conductor (58/60/62), at its end opposite its associated individual connection pad 56, is connected with a common conductor 76 which is connected to a common connection pad...." *Final Office Action*, supra at 3. Appellant respectfully disagrees with the rejection.

Claim 2 calls for each individual conductor, at its end opposite its associated individual connection pad, to be connected with a common conductor which is connected to a common connection pad. FIG. 5 of the present application illustrates what is called for in claim 2, showing that individual conductors 52 extend from individual connecting pads 51 of conductor carrier 10, across coverings 30 of the conductor carrier 10, and to a common conductor 53, which in turn is connected to a common connection pad 54. *Application*, ¶[0024]; FIG. 5.

Ehrensvarð fails to teach that each individual conductor (i.e., each closed loop circuit including portions 54, 56, 58, 60, 62) is connected with a common conductor which is connected to a common connection pad. There is simply no such teaching in Ehrensvarð that the printed circuit includes a “common conductor” or a “common connection pad.” Rather, as set forth above, Ehrensvarð discloses a plurality of closed loop circuits, each of which extends from the conducting connection with the electronic unit 50 to a respective gate 16 on one of sheets e-h, and back to the conduction connection with the electronic unit 50. *Ehrensvarð*, Col. 3, lns. 15-21. There is no “common conductor” or “common connection pad” to which a closed loop circuit (i.e., individual conductor) is connected, but instead each individual circuit/conductor is a closed loop, in that it starts and ends at the same point at electronic unit 50.

In rejecting claim 2, the Examiner’s characterization of elements disclosed in Ehrensvarð, and the tying of those elements to corresponding elements called for in claim 2, wholly distorts the teachings of Ehrensvarð. Copied here below is the reproduced FIG. 4 provided by the Examiner in the Office Action of November 16, 2009, in which a thickened portion 56 of separate individual conductors are identified by the Examiner as an “individual connection pad” and a “common connecting pad.” See *Final Office Action*, supra at 3. The Examiner further asserts that the “common connecting pad” is connected to a “common conductor 76,” with the “common conductor carrier” being identified in FIG. 4. *Id.*

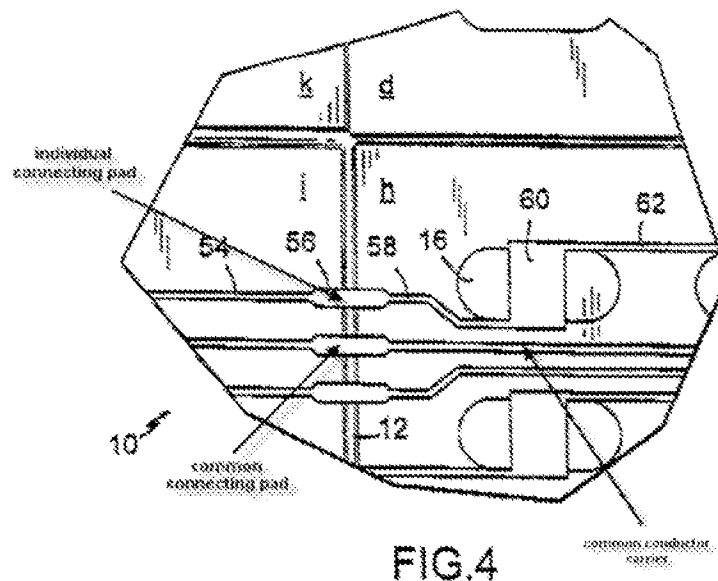


FIG.4

EXAMINER'S REPRODUCED FIGURE 4

The Examiner's characterization of elements in the reproduced FIG. 4, however, wholly distorts the teachings of the cited reference. That is, the "common conductor carrier" and "common connecting pad" identified by the Examiner in FIG. 4 are merely portions 56, 58 of a separate closed-loop circuit (i.e., separate individual conductor) that corresponds to another breakable gate 16 on the sheet h. The Examiner has provided no disclosure or teaching in Ehrensvar that the so-identified "common conductor carrier" connects to the other individual conductor (including portions 54, 56, 58, 60, 62) shown in the reproduced FIG. 4, and such is simply not the case. Additionally, the "common conductor 76" identified by the Examiner, which appears in FIG. 6 of Ehrensvar, is not connected to an individual conductor but is instead described in Ehrensvar as a separate "reference conductor for detecting any bursting of the envelope in some not expected way and also provide a calibration information for the electronic unit 50." *Ehrensvar*, Col. 4, lns. 43-46 and FIG. 6. Thus, the reference conductor 76 shown and described in FIG. 6 of Ehrensvar is not disclosed as a "common conductor" that is connected to an individual connection pad and a common connection pad, as any such teaching is wholly absent from the cited reference.

In light of at least the above, Appellant believes that claim 2 is patentably distinct from Ehrensvar.

Claim 3

Claim 3 calls for, in part, the individual connecting pads and the common connection pad being components of an interface, which upon insertion of the blister package arrangement in a receiver device, effect a defined position orientation and is electrically connected with an electronic unit in the receiver device to detect the severance of the individual conductors. As set forth in detail above with respect to claims 1 and 2, Ehrensvar does not teach a blister package arrangement that includes a conductor carrier having individual connecting pads and a common connection pad. As such, Ehrensvar also does not teach individual connecting pads and a common connection pad that form components of an interface that electrically connects with an electronic unit to detect the severance of the individual conductors.

Instead, and as set forth in detail above, Ehrensvar teaches a medication dispensing device that includes an electronic unit that is integrally connected to a plurality of sheets a-h that include blister packages 40 and breakable gates 16. *Ehrensvar*, Col. 2, lns. 22-46. A plurality of closed-loop printed circuits (each including portions 52, 54, 56, 58, 60, 62) are

provided that extend from the electronic unit 50 to each of the gates 16 of envelopes 10 and back to the electronic unit 50, to sense removal of tablets from blister package 40. *Ehrensvar*d, Col. 3, lns. 15-21. Ehrensvard, however, does not teach a conductor carrier having individual connecting pads and a common connection pad that form components of an interface that electrically connects with an electronic unit to detect the severance of the individual conductors. In fact, as printed circuits extend out directly from the electronic unit 50 and return back thereto in a closed-loop arrangement, there is simply no use for a separate “interface” on one of sheets e-h that would provide an electrical connection for connecting to electronic unit 50.

In light of at least the above, Appellant believes that claim 3 is patentably distinct from Ehrensvard. Appellant therefore respectfully requests that the Examiner withdraw the rejection of claim 3.

Claim 6

Claim 6 calls for the bridge parts to be positioned diametrically opposite each other about the circumference of the stamped line along the direction of the longer extension of the stamped line, and wherein the individual conductor associated therewith extends over both bridge parts. The positioning of the bridge parts called for in claim 6 is illustrated in FIG. 5 of the present application, where bridge parts 42, 43 are shown positioned diametrically opposite each other along the direction of the longer extension of the stamped line 41. *Application*, FIG. 5. There is simply no such teaching of kerfs 17, 19 being arranged as such in Ehrensvard. The only arrangement of kerfs 17, 19 in Ehrensvard is provided in FIG. 5 thereof, where the kerfs 17, 19 are shown as being positioned along the shorter extension/dimension of the perforated breakable gate 16. *See Ehrensvar*d, FIG. 5. Kerfs 17, 19 are not positioned along the direction of the longer extension of the perforated breakable gate 16, as called for in claim 6.

As such, Ehrensvard fails to teach that which is called for in claim 6, and claim 6 is patentably distinct thereover.

Claim 8

Claim 8 calls for an individual conductor that extends only over one of the bridge parts from the conductor carrier to the covering, and from the covering back to the conductor carrier as a loop, whereby the conductor-bearing bridge part is positively severed upon tablet removal. An individual conductor as called for in claim 8 is illustrated in FIG. 11 of the

present application, where individual conductor 52 extends over bridge part 42 onto covering 30, and loops back from the covering 30 to conductor carrier 10. *Application*, FIG. 11. There is simply no such teaching of an individual conductor in Ehrensvar. As set forth above with respect to claim 6, the only arrangement of an individual conductor Ehrensvar is provided in FIG. 5, where the circuit is shown as including a portion 60 that extends over both kerfs 17, 19 formed about breakable gate 16. *See Ehrensvar*, FIG. 5. Portion 60 does not “extend only over one of the bridge parts from the conductor carrier to the covering, and from the covering back to the conductor carrier as a loop” as called for in claim 8, but instead extends over both kerfs/bridge parts 17, 19.

As such, Ehrensvar fails to teach that which is called for in claim 8, and claim 8 is patentably distinct thereover.

Claim 9

Claim 9 calls for the conductor carrier to include the individual conductors on the side facing away from the blister package, and to be attached to the side facing toward the blister package by means of the sealing film of the blister package. In rejecting claim 9, the Examiner stated that Ehrensvar discloses a “conductor carrier 58/60/62” that includes “individual conductors 58/60/62 on the side facing away from the blister package 40....” *Final Office Action*, supra at 4. Initially, Appellant would again point out that the Examiner’s characterization of elements disclosed in Ehrensvar, and the tying of those elements to corresponding elements called for in claim 9, wholly distorts the teachings of Ehrensvar. That is, the Examiner characterized the printed circuit portions 58, 60, 62 of a closed loop circuit in Ehrensvar as forming “conductor carrier 58/60/62” as well as forming “individual conductors 58/60/62.” Additionally, the Examiner improperly characterizes Ehrensvar as disclosing that “individual conductors 58/60/62” are positioned on the side of a conductor carrier (i.e., sheets e-h) facing away from the blister package 40.

An examination of the figures in Ehrensvar shows that the cited reference does not teach that individual conductors are positioned on the side of a conductor carrier facing away from the blister package, as is called for in claim 9. That is, an examination of FIGS. 1 and 4 of Ehrensvar shows that, in fact, the “individual conductors” (i.e., closed-loop printed circuits each including portions 52, 54, 56, 58, 60, 62) are formed on a side facing towards blister package 40. FIG. 4 shows that the individual conductors formed on conductor carrier h are formed on a common side as a blister package 40 of sheet d. Upon a folding over of

sheet h onto sheet d along fold line 12, as is shown and described with respect to FIG. 1, the individual conductors of conductor carrier h would be on a side of conductor carrier h facing towards the blister package 40 of sheet d.

As such, Ehrensvard fails to teach that which is called for in claim 9, and claim 9 is patentably distinct thereover.

Claim 10

Claim 10 calls for the conductor carrier to be at least partially provided with an electrically insulating protective on its side facing away from the blister package that covers at least the individual conductors and a common conductor. As set forth above with respect to claim 9, Ehrensvard fails to teach individual conductors on the side of the conductor carrier facing away from the blister package. Thus, it follows that Ehrensvard also fails to teach an electrically insulating protective on its side facing away from the blister package that covers the individual conductors and a common conductor. Furthermore, as Ehrensvard fails to teach a common conductor on the carrier film, as set forth in detail above with respect to claim 2, Ehrensvard cannot teach an electrically insulating protective that covers such a common conductor. For at least these reasons, Ehrensvard fails to teach that which is called for in claim 10, and claim 10 is thus patentably distinct thereover

Claim 13

Claim 13 calls for the adhesive layer to be covered by a tear film that may be separated from the adhesive layer in order to connect the adhesive layer to the sealing film. Such a tear film 65' is illustrated in FIGS. 17d and 17e of the present application, and tear film 65' is described as being separable from the adhesive layer 66' to provide for bonding between the adhesive layer 66' and the sealing film 13' of the blister package 1'. *Application*, FIG. 5. The Examiner has provided no citation to Ehrensvard highlighting where such a tear film is disclosed and, in fact, there is simply no such teaching of a tear film in Ehrensvard.

As such, Ehrensvard fails to teach that which is called for in claim 13, and claim 13 is patentably distinct thereover.

Claim 14

Claim 14 calls for the conductor carrier to project over the blister package at least on the side of the interface. Such a projection of the conductor carrier 10 over the blister package 1 is illustrated in FIGS. 4 and 5 of the present application, which illustrates blister

package 1 being positioned on conductor carrier 10 and further illustrates conductor carrier 10 being of such dimensions that it projects over the blister package 1 on all sides, including the side of interface 5. *Application*, FIGS. 4 and 5. The conductor carrier 10 thus projects over the blister package 1 “at least on the side of the interface” as called for in claim 14.

In rejecting claim 14, the Examiner stated that “conductor carrier (58/60/62)/(see [reproduced FIG. 4]) projects over the blister package 40 at least on the side of the interface.” *Final Office Action*, supra at 5. Initially, and as set forth in detail above, the Examiner’s identification of the printed circuit portions 58, 60, 62 as forming a “conductor carrier 58/60/62” distorts the teachings of Ehrensvar, as printed circuit portions 58, 60, 62 do not form a conductor carrier as called for in the present claims. Furthermore, following the Examiner’s interpretation of Ehrensvar, the “conductor carrier (58/60/62)” does not project over the blister package 40, as called for in claim 14. That is, elements 58/60/62 of the “conductor carrier” are positioned completely within a perimeter of blister package 40 per FIGS. 4 and 5 of Ehrensvar, and thus do not project out over (i.e., past the perimeter of) the blister package 40.

As such, Ehrensvar fails to teach that which is called for in claim 14, and claim 14 is patentably distinct thereover.

Claim 15

Claim 15 calls for the conductor carrier to form a first component of the carrier that folds like a book, and for a second component to form at least one of an insertion opening for each pocket of the blister package and a common insertion opening for all pockets of the blister package, and may be folded about a fold line with respect to the conductor carrier so that the blister package is accepted between the conductor carrier and the second part, whereby each pocket of the blister package extends through an insertion opening of the second component or all pockets of the blister package through the common insertion opening of the second component, and wherein the conductor carrier, the blister package, and the second component receiving the pockets of the blister package are connected with each other. Such an arrangement is illustrated in FIGS. 12-14 of the present application.

In rejecting claim 14, the Examiner stated that “conductor carrier (58/60/62) [] forms a first component (a)... and a second component (j) forms at least one of an insertion opening 70 for each pocket of the blister package 40 and a common insertion opening for all pockets of the blister package, and may be folded about a fold line 12 with respect to the conductor

carrier (58/60/62) [] so that the blister package is accepted between the conductor carrier and the second part....” *Final Office Action*, supra at 5. Initially, and as set forth in detail above, the Examiner’s identification of the printed circuit portions 58, 60, 62 as forming a “conductor carrier 58/60/62” distorts the teachings of Ehrensvar, as printed circuit portions 58, 60, 62 do not form a conductor carrier as called for in the present claims. Furthermore, regarding the Examiner’s assertion that first component (a) may be folded along fold line 12 relative to second component (j) such that the blister package 40 is accepted between (a) and (j), Appellant believes such an assertion distorts the teachings of Ehrensvar. While component (j) may include an opening 70 therein, components (a) and (j) cannot be folded relative to one another along fold line 12 such that blister package 40 is positioned therebetween. Instead, Ehrensvar discloses that (a) would be folded relative to (e) along fold line 12 to position blister package 40 therebetween, *see Ehrensvar*, Col. 2, lns. 22-46, however, sheet (e) is not disclosed as including an opening therein. Ehrensvar thus fails to disclose a conductor carrier to form a first component of the carrier that folds like a book, and for a second component to form at least one of an insertion opening for each pocket of the blister package and a common insertion opening for all pockets of the blister package, and may be folded about a fold line with respect to the conductor carrier so that the blister package is accepted between the conductor carrier and the second part, as called for in claim 15.

As such, Ehrensvar fails to teach that which is called for in claim 15, and claim 15 is patentably distinct thereover.

Claims 16 and 17

Claim 16 and 17 call for the conductor carrier and the second component of claim 15 to project over the blister package at least on the on the side of an interface of the conductor carrier with a receiver device (claim 16) or over the blister package on all sides (claim 17).

In rejecting claims 16 and 17, the Examiner stated that “conductor carrier (58/60/62)/(see [reproduced FIG. 4]) and the second component (j) project over the blister package 40....” *Final Office Action*, supra at 6. Initially, and as set forth in detail above, the Examiner’s identification of the printed circuit portions 58, 60, 62 as forming a “conductor carrier 58/60/62” distorts the teachings of Ehrensvar, as printed circuit portions 58, 60, 62 do not form a conductor carrier as called for in the present claims. Furthermore, following the Examiner’s interpretation of Ehrensvar, the “conductor carrier (58/60/62)” does not

project over the blister package 40, as called for in each of claims 16 and 17. That is, elements 58/60/62 of the “conductor carrier” are positioned completely within a perimeter of blister package 40 per FIGS. 4 and 5 of Ehrensvar, and thus do not project out over (i.e., past the perimeter of) the blister package 40.

As such, Ehrensvar fails to teach that which is called for in claims 16 and 17, and each of claims 16 and 17 is patentably distinct thereover.

Claim 18

Claim 18 calls for the fold line between the conductor carrier and the second component, as called for in claim 15, to extend along the longer side of the conductor carrier and the second component. That is, as shown in FIGS. 12-14 of the present application, a fold line 61 extends along the longer side of the conductor carrier 10 and the second component 63. *See Application*, FIGS. 12-14.

As set forth above, in rejecting claim 15 the Examiner asserted that a first component (a) may be folded relative to a second component (j) about a fold line 12 so that the blister package 40 is accepted between the components (a) and (j). *See Final Office Action*, supra at 5. In rejecting claim 18, the Examiner asserted that this fold line 12 extends along the longer side of the first component (a) (i.e., “conductor carrier (58/60/62)”) and the second component (j). *Id.* at 6. However, even a cursory review of FIG. 1 of Ehrensvar shows that fold line(s) 12 extend along a shorter side of components (a) and (j). *See Ehrensvar*, FIG. 1. Thus, Ehrensvar does not disclose the fold line 12 extending between the conductor carrier and the second component to extend along the longer side of the conductor carrier and the second component, as called for in claim 18.

As such, Ehrensvar fails to teach that which is called for in claim 18, and claim 18 is patentably distinct thereover.

Claim 21

Claim 21 calls for, in part, a blister package arrangement having a conductor carrier connected to a blister package, with the conductor carrier including a cover area positioned adjacent to each pocket in the blister package defined by a stamped line opening formed thereabout in the conductor carrier, at least two bridge parts interrupting each stamped line opening to connect each cover area to a surrounding conductor carrier area, and an interface having a plurality of individual connections pads and a common connection pad to provide an electrical connection between the conductor carrier and an attachable electronic unit

configured to detect removal of a tablet from a pocket of the blister package. Claim 21 further calls for a common conductor extending out from the common connection pad and an individual conductor extending out from each of the plurality of individual connection pads, over the at least one bridge part of a respective cover area, and connecting to the common conductor, the individual conductor configured to break along with the at least one bridge part that is broken when a tablet is pressed out from the corresponding pocket.

In rejecting claim 21, the Examiner's characterization of elements disclosed in Ehrensvar, and the tying of those elements to corresponding elements called for in claim 21, was consistent with that previously set forth with respect to claim 1. As set forth in detail with respect to claim 1, the Examiner's characterization of elements disclosed in Ehrensvar wholly distorts the teachings thereof. For example, the Examiner characterized the printed circuit portions 58, 60, 62 of a closed loop circuit in Ehrensvar as forming "conductor carrier 58/60/62" as well as forming "individual conductors 58/60/62." See *Final Office Action*, supra at 7. This characterization of the printed circuit portions 58, 60, 62 as forming two separate elements of claim 21 (i.e., as forming both the "conductor carrier 58/60/62" as well as the "individual conductors 58/60/62") illustrates, on its face, that the Examiner has mischaracterized the teachings of Ehrensvar. In fact, Ehrensvar sets forth that "[t]he printed circuit stretches via connected printed circuit portions 54, 56, 58, 60, 62 in form of here not shown closed loops from the conducting connection with the electronic unit 50 to each of the sheetlike envelopes 10 gates 16 and back to the conduction connection with the electronic unit 50." *Ehrensvar*, Col. 3, lns. 15-21. The printed circuit portions 54, 58, 60, 62 thus do not form any part of a "conductor carrier" as asserted by the Examiner, but instead only form a circuit that is laid out on/across sheets a-m.

Regardless of the Examiner's characterization of the reference, Ehrensvar in fact fails to teach that which is called for in claim 21. Instead, Ehrensvar discloses a medication dispensing device that includes an electronic unit 50 is included in envelope 10 that is able to sense when tablets are removed from blister packages 40 through a dispense area 42 by sensing when the tablet breaks through breakable gates 16. *Ehrensvar*, Col. 3, lns. 15-41. For sensing a tablet removal, a printed circuit (that includes printed circuit portions 54, 56, 58, 60, 62) is provided in the form of a closed loop that extends from the electronic unit 50 to each of the gates 16 of envelopes 10 and back to the electronic unit 50. *Id.* The breakable

gates 16 are connected with a remaining portion of the sheetlike envelopes 10 by means of two opposite non-perforated kerfs or land areas 17, 19, over which extend portions 58, 60, 52 of the printed circuit. *Ehrensvar*d, Col. 3, lns. 58-66; FIG. 5. When a tablet 44 is to be dispensed from the blister package 40, a pressure is applied on the gate 16 so that at least one kerf 17, 19 bursts and thus the conductivity between the conductive portions 58, 60, 62 is interrupted and the tablet can emerge through the opening provided by the opened or fully eliminated gate 16. *Ehrensvar*d, Col. 4, lns. 2-13; FIG. 5. The electric interruption is registered by the electronic unit 50 storing the place and time of the tablet dispense, basing on the information, which of the electric circuits closed loops has been interrupted. *Id.*

*Ehrensvar*d, however, does not teach what is called for in claim 21. For example, *Ehrensvar*d does not teach an interface having a plurality of individual connection pads and a common connection pad that electrically connect with an electronic unit to detect removal of a tablet from a pocket of the blister package. Instead, and as set forth in detail above, *Ehrensvar*d teaches a medication dispensing device that includes an electronic unit that is integrally connected to a plurality of sheets a-h that include blister packages 40 and breakable gates 16. *Ehrensvar*d, Col. 2, lns. 22-46. A plurality of closed-loop printed circuits (each including portions 52, 54, 56, 58, 60, 62) are provided that extend from the electronic unit 50 to each of the gates 16 of envelopes 10 and back to the electronic unit 50, to sense removal of tablets from blister package 40. *Ehrensvar*d, Col. 3, lns. 15-21. *Ehrensvar*d, however, does not teach a conductor carrier having individual connection pads and a common connection pad that form components of an interface that electrically connects with an electronic unit to detect the severance of the individual conductors. In fact, as the printed circuits of *Ehrensvar*d extend out directly from the electronic unit 50 and return back thereto in a closed-loop arrangement, there is simply no use for a separate “interface” on one of sheets e-h that would provide an electrical connection for connecting to electronic unit 50.

*Ehrensvar*d also fails to teach individual conductors, as called for in claim 21, that extend out from individual connection pads, over at least one bridge part of a respective cover area on the conductor carrier, and connect to the common conductor. Instead, as set forth above, *Ehrensvar*d discloses a printed circuit that includes a plurality of separate closed loops, each of which corresponds to a breakable gate 16 on one of sheets e-h (i.e., conductor carriers) of envelope 10. Each closed loop circuit includes printed circuit portions 54, 56, 58, 60, 62 that form the closed loop, with the circuit starting at the electronic unit 50, extending

out over a breakable gate 16, and looping back to the electronic unit 50. *Ehrensvard*, Col. 3, lns. 15-21. Thus, each closed loop circuit (that includes printed circuit portions 54, 56, 58, 60, 62) of *Ehrensvard* is a wholly separate/distinct conductor loop that starts and ends at the electronic unit 50. The conductor loops of *Ehrensvard* do not extend out from individual connection pads of a conductor carrier and do not intersect with any other conductor loops, and thus do not connect to a “common conductor,” as called for in claim 21.

In light of at least the above, Appellant believes that claim 21, and the claims dependent therefrom, are patentably distinct from *Ehrensvard*. Appellant therefore respectfully requests withdrawal of the rejection.

8. **CONCLUSION**

In view of the above remarks, Appellant respectfully submits that the Examiner has provided no supportable position or evidence that claims 1-21 are not patentable. As argued above, *Ehrensvard* fails to teach or suggest each and every element as called for in the present claims. Accordingly, Appellant believes that claims 1-21 are patentably distinct thereover. Appellant therefore respectfully requests that the Board find claims 1-21 patentable over the prior art of record, direct withdrawal of all outstanding rejections and direct the present application be passed to issuance.

Respectfully submitted,

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CLAIMS APPENDIX

1. (Previously Presented) Blister package arrangement with a blister package and a conductor carrier connected to it, wherein openings in the conductor carrier are directed toward pockets of the blister package, and wherein, upon removal of a tablet from a pocket, a sealing film of the blister package sealing the pocket must be separated, and the tablet is removable through an opening assigned to it, the improvement wherein the openings are formed by stamped lines positioned within the conductor carrier that surround each of the pockets in a ring shape, and that are interrupted by at least two bridge parts by means of which a covering, separated by the stamped line out of the conductor carrier and covering the pocket, is connected with the conductor carrier ; wherein the bridge parts are so distributed about the periphery of the stamped line that, when a tablet is pressed out from a pocket, at least one bridge part is broken; and wherein the conductor carrier includes individual conductors each of which extends from an individual connecting pad over at least the one bridge part that is severed upon tablet removal.

2. (Previously Presented) Blister package arrangement as in Claim 1, wherein each individual conductor, at its end opposite its associated individual connection pad, is connected with a common conductor which is connected to a common connection pad.

3. (Previously Presented) Blister package arrangement as in Claim 2, wherein the individual connecting pads and the common connection pad are components of an interface, which upon insertion of the blister package arrangement in a receiver device, effect a defined position orientation and is electrically connected with an electronic unit in the receiver device to detect the severance of the individual conductors.

4. (Previously Presented) Blister package arrangement as in Claim 1, wherein the stamped lines have a shape selected from the group consisting of rectangular, circular, and oval.

5. (Previously Presented) Blister package arrangement as in Claim 1, wherein the bridge parts are positioned diametrically opposite each other about the circumference of

the stamped line, and wherein the individual conductor associated therewith extends over both bridge parts.

6. (Previously Presented) Blister package arrangement as in Claim 5, wherein the two bridge parts each lie along the direction of the longer extension of the stamped line.

7. (Previously Presented) Blister package arrangement as in Claim 6, wherein the individual conductor extends over the first and the additional bridge parts.

8. (Previously Presented) Blister package arrangement as in Claim 1, wherein the individual conductor extends only over one of the bridge parts from the conductor carrier to the covering, and from the covering back to the conductor carrier as a loop, whereby the conductor-bearing bridge part is positively severed upon tablet removal.

9. (Previously Presented) Blister package arrangement as in Claim 1, wherein the conductor carrier includes the individual conductors on the side facing away from the blister package, and is attached to the side facing toward the blister package by means of the sealing film of the blister package.

10. (Previously Presented) Blister package arrangement as in Claim 9, wherein the conductor carrier is at least partially provided with an electrically insulating protective on its side facing away from the blister package that covers at least the individual conductors and a common conductor.

11. (Previously Presented) Blister package arrangement as in Claim 1, wherein the conductor carrier includes the individual conductors on its side facing toward the blister package, and that the side of the conductor carrier facing toward the blister package is provided with an electrically insulating layer covering the individual conductors, and wherein the side of the electrically insulating layer facing toward the blister package is connected with the sealing film of the blister package.

12. (Previously Presented) Blister package arrangement as in Claim 11, wherein the electrically insulating layer is provided with an adhesive layer that may be connected with the sealing film of the blister package.

13. (Previously Presented) Blister package arrangement as in Claim 12, wherein the adhesive layer is covered by a tear film that may be separated from the adhesive layer in order to connect the adhesive layer to the sealing film.

14. (Previously Presented) Blister package arrangement as in Claim 2, wherein the conductor carrier projects over the blister package at least on the side of the interface.

15. (Previously Presented) Blister package arrangement as in Claim 1, wherein the conductor carrier forms a first component of the carrier that folds like a book, and a second component forms at least one of an insertion opening for each pocket of the blister package and a common insertion opening for all pockets of the blister package, and may be folded about a fold line with respect to the conductor carrier so that the blister package is accepted between the conductor carrier and the second part, whereby each pocket of the blister package extends through an insertion opening of the second component or all pockets of the blister package through the common insertion opening of the second component, and wherein the conductor carrier, the blister package, and the second component receiving the pockets of the blister package are connected with each other.

16. (Previously Presented) Blister package arrangement as in Claim 15, wherein the conductor carrier and the second component project over the blister package at least on the side of an interface of the conductor carrier with a receiver device.

17. (Previously Presented) Blister package arrangement as in Claim 15, wherein the conductor carrier and the second component project over the blister package on all sides.

18. (Previously Presented) Blister package arrangement as in Claim 15, wherein the fold line extends along the longer side of the conductor carrier and the second component.

19. (Previously Presented) Blister package arrangement as in Claim 15, wherein the conductor carrier, the blister package and the second component receiving the pockets of the blister package are adhered together.

20. (Previously Presented) Blister package as in Claim 11, wherein the electrically insulating layer is simultaneously an adhesive layer that may be connected to the sealing film of the blister package.

21. (Previously Presented) A blister package arrangement comprising:
a blister package having a plurality of pockets each configured to receive a tablet therein; and

a conductor carrier connected to the blister package, the conductor carrier comprising:

a cover area positioned adjacent to each pocket in the blister package, each cover area defined by a stamped line opening formed thereabout in the conductor carrier;

at least two bridge parts interrupting each stamped line opening to connect each cover area to a surrounding conductor carrier area, the at least two bridge parts positioned such that at least one bridge part is broken when a tablet is pressed out from the corresponding pocket;

an interface to provide an electrical connection between the conductor carrier and an attachable electronic unit configured to detect removal of a tablet from a pocket of the blister package, the interface comprising a plurality of individual connections pads and a common connection pad;

a common conductor extending out from the common connection pad; and

an individual conductor extending out from each of the plurality of individual connection pads, over the at least one bridge part of a respective cover area, and connecting to the common conductor, the individual conductor configured to break along with the at least one bridge part that is broken when a tablet is pressed out from the corresponding pocket.

EVIDENCE APPENDIX:

-- None --

RELATED PROCEEDINGS APPENDIX:

-- None --